

1 THOMAS D. DILLARD, JR., ESQ.  
 Nevada Bar No. 006270  
 2 **OLSON CANNON GORMLEY**  
**& STOBERSKI**  
 3 9950 West Cheyenne Avenue  
 Las Vegas, Nevada 89129  
 4 Telephone: (702) 384-4012  
 Facsimile: (702) 383-0701  
 5 Attorney for Defendants CLARK COUNTY,  
 DAVID SCHWARTZ, CLARK PETERSON,  
 6 PAMELA WECKERLY, MARC DIGIACOMO,  
 BOB MILLER, STEWART BELL,  
 7 DAVID ROGER and STEVE WOLFSON

8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 \* \* \* \* \*

11 FRANK LAPENA,

12  
 13 Plaintiffs,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE  
 DEPARTMENT, a government entity; CLARK  
 16 COUNTY, a political subdivision of the State of  
 Nevada and Government Entity; CHARLES LEE,  
 17 an Individual and Police Officer and District  
 Attorney Investigator; the Estate of CHARLES  
 18 LEE; BEECHER AVANTS, an Individual and  
 Police Officer and District Attorney Investigator;  
 19 the Estate of BEECHER AVANTS; MICHELE  
 WHITNEY, an Individual and Police Officer; O.R.  
 20 "Ray" LYONS, an Individual and Police Officer;  
 JERRY KELLER, an Individual and Sheriff, in his  
 21 individual and official capacities; DAVID  
 SCHWARTZ, an Individual and Prosecutor;  
 22 MELVYN HARMON, an individual and  
 Prosecutor; the Estate of MELVYN HARMON;  
 23 CLARK PETERSON, an individual and  
 Prosecutor; PAMELA WECKERLY, an  
 24 individual and Prosecutor; MARC DIGIACOMO,  
 an individual and Prosecutor; BOB MILLER,  
 25 individual and District Attorney; STEWART  
 BELL, an Individual and District Attorney;  
 26 DAVID ROGER, an individual, Prosecutor and  
 District Attorney; STEVE WOLFSON, an  
 27 individual and District Attorney;

28 Defendants.

CASE NO. 2:21-cv-02170-JCM-NJK

**STIPULATION AND ORDER TO**  
**EXTEND DEADLINE FOR**  
**REPLY TO PLAINTIFF'S**  
**OPPOSITION TO CLARK**  
**COUNTY DEFENDANTS'**  
**MOTION FOR PARTIAL**  
**JUDGEMENT ON THE**  
**PLEADINGS [ECF NO. 49]**  
**(Second Request)**

**STIPULATION AND ORDER TO EXTEND DEADLINE FOR REPLY TO  
PLAINTIFF'S OPPOSITION TO CLARK COUNTY DEFENDANTS' MOTION FOR  
PARTIAL JUDGMENT ON THE PLEADINGS [ECF NO. 49]  
(Second Request)**

The Parties, by and through their counsel of record, hereby stipulate and agree as follows:

**I. PROCEDURAL HISTORY AND REASON FOR THE STIPULATION**

1. On January 18, 2022, the Parties filed a stipulation and order to withdraw the Clark County Defendants' Motion for Partial Judgment on the Pleadings and the LVMPD Defendants' Motion for Partial Dismissal [ECF No. 47], which the Court granted on January 31, 2022 [ECF No 58].

2. On January 28, 2022, Clark County Defendants filed their Answer to Plaintiff's Amended Complaint, and a new Motion for Partial Judgment on the Pleadings. [ECF Nos. 48 & 49].

3. On February 14, 2022, the Court approved a Stipulation to Extend Deadline for Plaintiff to Respond to: The Clark County Defendants' Motion for Partial Judgment on the Pleadings [ECF 49]; and The LVMPD Defendants' Second Motion for Partial Dismissal [ECF No. 65]; and Order (First Request), with Plaintiff's response to the Clark County Defendants' Motion for Partial Judgment on the Pleadings extended to March 18, 2022 and the Reply thereto to be filed by April 1, 2022. [ECF No. 76].

4. On March 18, 2022, Plaintiff filed an opposition to the Clark County Defendants' Motion for Partial Judgment on the Pleadings. [ECF No. 85].

5. Counsel for the Clark County Defendants recently has had a death in the family that has caused a disruption to the office time needed to prepare a reply on or before April 1, 2022 and therefore requests an additional week.

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1 **II. STIPULATION AND ORDER**

2 Based upon the foregoing, the parties hereby STIPULATE TO THE FOLLOWING:

3 1. The Clark County Defendants' Reply to Plaintiff's Opposition to Clark County  
4 Defendants' Motion for Partial Judgment on the Pleadings [ECF No. 49] would be extended  
5 **from April 1, 2022 to April 8, 2022.**

6 IT IS SO STIPULATED this 24<sup>th</sup> day of March, 2022.

7  
8  
9 THE LAW OFFICE OF  
10 KRISTINA WILDEVELD &  
11 ASSOCIATES

12 /s/ Lisa Rasmussen

13 Kristina Wildeveld, Esq.

14 Lisa Rasmussen, Esq.

15 Richard Bryant, Esq.

16 THE LAW OFFICE OF KRISTINA  
17 WILDEVELD & ASSOCIATES

18 550 E. Charleston Blvd. Ste A

19 Las Vegas, NV 89101

20 Kristina@veldlaw.com

21 Richard@veldlaw.com

22 Paralegal2@veldlaw.com

23 Attorney for Plaintiff

24  
25 MARQUIS AURBACH

26 /s/ Craig Anderson

27 Craig R. Anderson, Esq.

28 Marquis Aurbach Coffing

10001 Park Run Drive

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smong@maclaw.com

canderson@maclaw.com

Attorneys for Defendants,

LVMPD, Ofc. Michele Whitney and

Sheriff Jerry Keller

OLSON CANNON GORMLEY &  
STOBERSKI

/s/ Thomas D. Dillard, Jr.

THOMAS D. DILLARD, JR., ESQ.

Nevada Bar No. 6270

9950 W. Cheyenne Avenue

Las Vegas, Nevada 89129

Attorneys for Clark County Defendants

CLARK COUNTY, DAVID

SCHWARTZ, CLARK PETERSON,

PAMELA WECKERLY, MARC

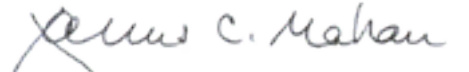
DIGIACOMO, BOB MILLER,

STEWART BELL, DAVID ROGER

and STEVE WOLFSON

**ORDER**

IT IS SO ORDERED this 25th day of March, 2022, that the Clark County Defendants' Reply in Support of their Motion for Partial Judgment on the Pleadings [ECF 49] be extended from April 1, 2022 to April 8, 2022.

  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the 24<sup>th</sup> day of March, 2022, I served a copy of the foregoing, **STIPULATION AND ORDER TO EXTEND DEADLINE FOR REPLY TO PLAINTIFF'S OPPOSITION TO CLARK COUNTY DEFENDANTS' MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS [ECF No. 49] Second Request** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, (or, if necessary, by U.S. Mail, first class, postage pre-paid, or via email), upon the following:

Kristina Wildeveld, Esq.  
Lisa Rasmussen, Esq.  
Richard Bryant, Esq.  
THE LAW OFFICE OF  
KRISTINA WILDEVELD & ASSOCIATES  
550 E. Charleston Blvd. Ste A  
Las Vegas, NV 89101  
[Kristina@veldlaw.com](mailto:Kristina@veldlaw.com)  
[Richard@veldlaw.com](mailto:Richard@veldlaw.com)  
[Paralegal2@veldlaw.com](mailto:Paralegal2@veldlaw.com)  
Attorney for Plaintiff

Craig R. Anderson, Esq.  
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Las Vegas, NV 89145  
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Attorneys for Defendants,  
LVMPD, Ofc. Michele Whitney and  
Sheriff Jerry Keller

/s/ Jessica Kaufman  
An employee of OLSON CANNON  
GORMLEY & STOBERSKI

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Las Vegas, Nevada 89129  
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## Jessica Kaufman

---

**From:** Lisa Rasmussen <Lisa@veldlaw.com>  
**Sent:** Thursday, March 24, 2022 4:05 PM  
**To:** Jessica Kaufman; Alex Loglia  
**Subject:** RE: La Pena v. LVMPD

Approved by me.

Lisa

Lisa A. Rasmussen, Esq.  
Senior Attorney  
**Law Offices of Kristina Wildeveld & Associates**  
550 E. Charleston Blvd., Suite A  
Las Vegas, NV 8910  
(702) 222-0007  
Fax: (702) 222-0001

Sent from Mail for Windows

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**From:** Jessica Kaufman  
**Sent:** Thursday, March 24, 2022 4:02 PM  
**To:** Alex Loglia  
**Cc:** Lisa Rasmussen  
**Subject:** RE: La Pena v. LVMPD

Good Afternoon,

Pursuant to our conversations, attached, please find a copy of the proposed Stip & Order to Extend Time to file a Reply to Pl's Opp to CC's Motion for Partial Judgement on the Pleadings (ECF No. 49). Please review and advise with any proposed changes; alternately, please give the "ok" to use electronic signatures?

Thank You for your attention to this matter,

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**From:** Alex Loglia <Alex@VeldLaw.com>  
**Sent:** Wednesday, March 23, 2022 12:29 PM  
**To:** Jessica Kaufman <jkaufman@ocgas.com>  
**Cc:** Lisa Rasmussen <Lisa@veldlaw.com>  
**Subject:** FW: La Pena v. LVMPD

Hi Jessica,

Please see the email below from Ms. Rasmussen regarding the extension request. Tried to call but you were not available.

Have a good day.

## Jessica Kaufman

---

**From:** Craig Anderson <canderson@maclaw.com>  
**Sent:** Thursday, March 24, 2022 11:27 AM  
**To:** Jessica Kaufman; alex@veldlaw.com; kristina@veldlaw.com; Sherri Mong  
**Cc:** Linda Roth; Tom Dillard  
**Subject:** RE: La Pena Stip & Order Extending Deadline to Reply 2nd Reqt

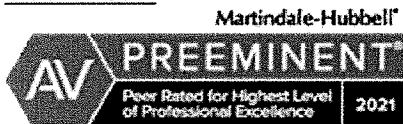
Ok by me.

Craig



### Craig R. Anderson, Esq.

10001 Park Run Drive  
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t | 702.942.2136  
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DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach - Attorneys at Law

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**From:** Jessica Kaufman <jkaufman@ocgas.com>

**Sent:** Thursday, March 24, 2022 11:12 AM

**To:** alex@veldlaw.com; kristina@veldlaw.com; Sherri Mong <SMong@maclaw.com>; Craig Anderson <canderson@maclaw.com>

**Cc:** Linda Roth <lroth@ocgas.com>; Tom Dillard <tdillard@ocgas.com>

**Subject:** [External] La Pena Stip & Order Extending Deadline to Reply 2nd Reqt

Good Afternoon,

Pursuant to our conversations, attached, please find a copy of the proposed Stip & Order to Extend Time to file a Reply to Pl's Opp to CC's Motion for Partial Judgement on the Pleadings (ECF No. 49). Please review and advise with any proposed changes; alternately, please give the "ok" to use electronic signatures?

Thank You for your attention to this matter,

Jes Kaufman,  
*Legal Assistant to*